

Docket: BS00052
09/884,131 Art Unit: 2623 Examiner: J. R. Shelcheda
Response to April 11, 2007 Final Office Action

REMARKS

In response to the final Office Action dated April 11, 2007, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1-18 are pending in this application. Claims 30-43 were previously withdrawn by restriction. Claims 19-29 and 44-48 have been canceled without prejudice or disclaimer.

Rejections of Claims under § 103 (a)

Claims 1-7, 9-13, 15-27, and 29 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over U.S. Patent No. 5,499,046 to Schiller, *et al.* Claims 19-27 and 29 have been canceled, so the rejection of these claims is moot.

Claims 1-7, 9-13, 15-18 cannot be obvious. These claims recite, or incorporate, features that are not taught or suggested by *Schiller*. Independent claim 1, for example, recites "*a producer locally producing content in a geographic terrain, the content related to the geographic terrain*" (emphasis added). Support for such features may be found at least in the as-filed application at paragraph [0012]. Independent claim 1 also recites "*a channel producer that receives the content, aggregates the content into a bundle of content, and nationally distributes the bundle of content*" (emphasis added). Support for such features may be found at least in the as-filed application at paragraph [0012]. Independent claim 1 also recites "*the channel producer providing free advertisement space in the bundle of content in exchange for the locally produced content.*" Support for such features may be found at least in the as-filed application at paragraphs [0039] and [0040]. Independent claim 1 is reproduced below, and independent claim 11 recites similar features.

1. A system for delivering media content comprising:

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(a) a producer locally producing content in a geographic terrain, the content related to the geographic terrain; and

(b) a channel producer that receives the content, aggregates the content into a bundle of content, and nationally distributes the bundle of content to an audience within and outside of the specific type of geographic terrain, the bundle of content having a full schedule of programming, the bundle of content having diverse subject matter with all the content related to the geographic terrain and the audience having an interest in the geographic terrain, the channel producer providing free advertisement space in the bundle of content in exchange for the locally produced content.

Schiller cannot obviate these features. *Schiller* discloses a CATV distribution system with a plurality of headends outputting different programs to subscribers via a plurality of channels. *Schiller*, however, fails to teach or suggest a producer that "locally" produces content "in a geographic terrain, the content related to the geographic terrain" and "a channel producer that receives the content, aggregates the content into a bundle of content, and nationally distributes the bundle of content" (emphasis added). *Schiller* also fails to teach or suggest "the channel producer providing free advertisement space in the bundle of content in exchange for the locally produced content." Because *Schiller* is silent to all these features, one of ordinary skill in the art would not think that independent claims 1 and 11 are obvious. Their respective dependent claims incorporate the same features and recite additional features. Claims 1-7, 9-13, and 15-18 cannot be obvious, so Examiner Sheleheda is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejections of Claims 44-46 & 48 under § 103 (a)

Claims 44-46 and 48 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over *Schiller* in view of U.S. Patent No. 6,317,881 to Shah-Nazaroff, *et al.* Claims 44-46 and 48, however, have been canceled, so the rejection of these claims is moot.

Rejections of Claims 8, 14 & 28 under § 103 (a)

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Claims 8, 14, and 28 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Schiller in view of U.S. Patent No. 6,286,139 to Decinque. Claim 28, however, has been canceled, so the rejection of claim 28 is moot. Claims 8 and 14 depend, respectively, from independent claims 1 and 11 and, thus, incorporate the same distinguishing features. As the above paragraphs explained, *Schiller* is silent to many of the claimed features, and *Decinque* does not cure this deficiency. *Decinque* merely discloses a system for ordering video content using the Internet. See U.S. Patent 6,286,139 to Decinque (September 4, 2001) at column 1, lines 55-65. The combined teaching of *Schiller* and *Decinque* still fails to teach or suggest a producer that "locally" produces content "in a geographic terrain, the content related to the geographic terrain" and "a channel producer that receives the content, aggregates the content into a bundle of content, and nationally distributes the bundle of content" (emphasis added). The combined teaching of *Schiller* and *Decinque* also fails to teach or suggest "the channel producer providing free advertisement space in the bundle of content in exchange for the locally produced content." Because *Schiller* and *Decinque* are silent to all these features, one of ordinary skill in the art would not think that independent claims 8 and 14 are obvious. Claims 8 and 14 cannot be obvious, so Examiner Sheleheda is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejections of Claim 47 under § 103 (a)

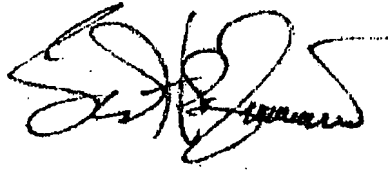
Claim 47 was rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over *Schiller* in view of *Shah-Nazaroff* and further in view of *Decinque*. Claim 47, however, has been canceled, so the rejection of this claim is moot.

Of course, if the Examiner determines that anything further is desirable to place this application in even better form for allowance, the Examiner is invited to contact the Assignee's representative at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman
Attorney for the Assignee
U.S.P.T.O. Reg. No. 41,390